

SENATE BILL No. 132

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-88.3; IC 34-31-7.

Synopsis: Premises liability. Provides that if a person enters the premises of a nonprofit religious organization with the permission of the nonprofit religious organization, the nonprofit religious organization has a duty to: (1) warn the person of a hidden danger on the premises if a representative of the nonprofit religious organization has actual knowledge of the hidden danger; and (2) refrain from intentionally harming the person. Provides that if a person enters the premises of a nonprofit religious organization without the permission of the nonprofit religious organization, the nonprofit religious organization has only a duty to refrain from intentionally harming the person.

Effective: July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 132

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-88.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 88.3. "Nonprofit religious organization", for**
4 **purposes of IC 34-31-7, means an organization, a church, a body**
5 **of communicants, or a group:**

6 **(1) organized primarily for religious purposes and not for**
7 **pecuniary profit that operates under:**

8 **(A) Section 501 of the Internal Revenue Code; or**

9 **(B) the Section 501 nonprofit status of the parent**
10 **organization of the organization, church, body of**
11 **communicants, or group; and**

12 **(2) whose constitution, charter, articles, or bylaws contain a**
13 **clause that provides that upon dissolution, all remaining**
14 **assets must:**

15 **(A) be used for nonprofit religious purposes; or**

16 **(B) revert to the parent organization for nonprofit**
17 **religious purposes.**



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SECTION 2. IC 34-31-7 IS ADDED TO THE INDIANA CODE AS
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2005]:

**Chapter 7. Premises Liability of Nonprofit Religious
Organizations**

**Sec. 1. A nonprofit religious organization has only the following
duty concerning persons who enter premises owned, operated, or
controlled by the nonprofit religious organization:**

**(1) If a person enters the premises with the actual or implied
permission of the nonprofit religious organization, the
nonprofit religious organization has a duty to:**

**(A) warn the person of a hidden danger on the premises if
a representative of the nonprofit religious organization has
actual knowledge of the hidden danger; and**

(B) refrain from intentionally harming the person.

**(2) If a person enters the premises without the actual or
implied permission of the nonprofit religious organization, the
nonprofit religious organization has only a duty to refrain
from intentionally harming the person.**

**SECTION 3. [EFFECTIVE JULY 1, 2005] This act applies only to
a cause of action that accrues after June 30, 2005, based on an act
or omission under IC 34-31-7, as added by this act.**

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